



PLANNING COMMISSION

MINUTES

February 11, 2009

7:30 P.M.

CITY OF FREDERICKSBURG
715 PRINCESS ANNE STREET
COUNCIL CHAMBERS

COMMISSION MEMBERS

Edward Whelan, III, Chair
Roy McAfee, Vice-Chair
Dr. Roy Gratz, Secretary
Vic Ramoneda
Ricardo Rigual
Susan Spears

CITY STAFF

Raymond P. Ocel, Jr., Director
of Planning & Comm. Dev.

1. CALL TO ORDER

The February 11, 2009 Planning Commission meeting was called to order at 7:30 p.m. by Chairman Ed Whelan who explained the standard meeting procedures.

2. PLEDGE OF ALLEGIANCE

PUBLIC HEARING ITEMS

3. **SUP2009-02: Timbernest, Ltd.** - Special Use Permit request to convert and utilize the 13 apartment units contained in the three buildings addressed as 506-512, 514 and 516 Sophia Street to 22 inn/hotel units. The property is zoned CD, Commercial Downtown which permits hotels with a special use permit. The property is designated as Downtown on the Future Land Use Map contained within the 2007 Comprehensive Plan.

Mr. Ocel highlighted portions of his staff report. This is a request by Timbernest LTD. Represented by Vangel and Deborah Perroy to obtain a special use permit to convert the 13 apartment units in the three buildings addressed as 506, 508, 510, 512, 514, and 516 Sophia Street to 22 Inn/Hotel rooms with off street parking to support the business operations at Fredericksburg Square. The three buildings are existing and if the application is approved all three buildings will be renovated as shown on the elevation plans that have been approved by the ARB. The property is zoned C-D, Commercial Downtown and is designated downtown on the future land use map contained within the Comprehensive Plan. Please see the plat that shows the location of the property.

The applicant has appeared before the ARB and has gained approval to renovate the three buildings and a copy of the approved elevation plans are provided with the applicants supporting materials.

The applicant proposes to convert the 13 apartment units contained within the three existing buildings into 22 apartment units. No other floor area is proposed for other uses such as commercial or restaurant uses.

Pedestrian access to the property will be provided by a sidewalk on Sophia Street and through the property addressed as 525 Caroline Street that the applicant also owns and operates Fredericksburg Square. Individual access for each hotel room will be provided through the renovation of the buildings. Patrons will park their cars in the 12 space parking lot on site while the remaining parking spaces for this use are located on the 525 Caroline Street property that the applicant also owns.

Maintenance and management operations will be conducted from the Fredericksburg Square property as is currently done. Building operations will be folded into the business operations at Fredericksburg Square. The inn is proposed to support Fredericksburg Square patrons as well as visitors to the downtown area.

The applicants states that the property has been historically used for lower income apartment housing and was purchased in 2006 with the intent of demolishing the buildings to expand the Fredericksburg Square hotel project. However, it is now proposed to be renovated to support and strengthen the banquet and corporate operations at Fredericksburg Square. The applicant would like to add this feature as an incentive for patrons to hold their events at Fredericksburg Square.

The hotel special use permit is being evaluated utilizing the criteria contained within section 78-994 of the Zoning Ordinance and includes:

- (a) The proposed special use at a specified location shall be:
 - (1) In harmony with the adopted comprehensive plan;
 - (2) In harmony with the purpose and intent of the zoning district regulations;
 - (3) In harmony with the existing uses or planned uses of neighboring properties.
- (b) The proposed special use and related improvements shall be designed, sited, landscaped and otherwise configured such that the use will not hinder or discourage the appropriate development or use of adjacent, neighboring or community land and structures, or impair the economic, social or environmental value thereof.

(a)(1) In harmony with the adopted comprehensive plan.

The future land use map contained within the Comprehensive Plan designates this property as Commercial Downtown. The surrounding properties are also designated commercial downtown and lie within Land Use Planning Area 7-Downtown. The Plan does not provide a specific recommendation for this property although the application meets one of the objectives of the Plan that relates to broadening the City's tax base by encouraging additional commercial and tourism related development and improving downtown facilities and amenities that enhance the City's position as a tourism destination community.

Three guiding principles for continued downtown redevelopment are listed on page 135 of the Plan. The first principle is applicable in this situation with the other two to a lesser extent:

- Attract more tourism revenue into the downtown area.
- Enhance the downtown as the area's hub by providing expanded center-city amenities that serve the greater regional community.
- Protect and improve the unique character and historic integrity of the district.

Applicable recommendations for the Downtown Planning Area include:

1. Protect the historic aspects of the downtown business district while accommodating growth through adaptive reuse of existing building and appropriate construction on infill site
7. Continue to evaluate parking needs in the downtown business district and develop appropriate remedies that accommodate new growth and redevelopment.

Applicable goals found in Chapter 3: Downtown include:

Goal 2: Downtown Serves as Center for Commerce, Culture and Community

The core downtown area will continue to serve as a center of commerce, culture, and community, government, courts, and the post office, and will increasingly generate revenues to ensure the economic stability and longevity of the City.

Goal-3: Other Business Centers

Commercial businesses in downtown will provide unique goods and services that complement those provided in other centers of commerce, such as Central Park, Celebrate Virginia, and commercial corridors identified in the JumpStart! Initiative.

Goal 4: Well-Balanced Mix of Uses

Downtown will include a well-balanced mix of businesses, residences, services, arts, recreational and historical assets, and include government services, including courts (to remain downtown), City offices, and postal services.

The following policy is relevant to this application:

1. Promote downtown development initiatives, including options for providing housing downtown, increasing evening use of downtown facilities, and taking advantage of proximity to the Rappahannock River.

5. The application meets the following initiative in the downtown area:

Work with the Department of Economic Development and Tourism to continue to seek out distinctive inns, bed & breakfasts, and small hotels to establish downtown as an overnight destination.

The applicant provides its response to this review criteria on pages 1-3 in the supplemental letter dated January 29, 2009.

(a)(2)(3) In harmony with the purpose and intent of the zoning district regulations.

The intent section of the C-D district states that the C-D district is established to promote harmonious development, redevelopment and rehabilitation of uses in the commercial area of the Old and Historic Fredericksburg District. The regulations of this district are intended to implement the goals of the comprehensive plan for historic district development while encouraging mixed uses in the downtown area. The emphasis in site planning is to be placed upon enhancing pedestrian circulation, minimizing vehicular and pedestrian access conflicts among uses, respecting geometry of the downtown streetscape, and maintaining continuity with the architectural precedents of the historic area.

The corresponding uses permitted by right and by special use permit are listed because they contribute towards meeting the intent of the district. A commercial building is permitted in the historic downtown district because it was realized that such uses are an integral and historic components of a historic downtown area and its continued use will assist in meeting the goal of protecting the unique character and historic integrity of the downtown district. Therefore, a hotel use will complement existing uses in the downtown area.

Enhancing pedestrian circulation:

Pedestrian access is provided between this property and the adjacent 525 Caroline Street property for parking and operation and management purposes. In addition, it is likely that some patrons of the inn will walk to other businesses in downtown thus avoiding having to drive to their destinations.

Minimizing vehicular and pedestrian access conflicts among uses:

The existing driveway to the site is proposed to be closed and the driveway on Sophia Street that serves the 525 Caroline Street property can be used by patrons of the inn.

Respecting geometry of the downtown streetscape:

Even with the renovations to the buildings, the buildings, although not historically significant, will maintain the street profile along Sophia Street which reinforces the development character of the district.

Maintaining continuity with the architectural precedents of the historic area.

As mentioned above, the three buildings are not historically significant and were at one time approved for demolition by the ARB. However the plan now is to renovate them and the design has been approved by the ARB. A change of use and renovation helps to maintain the integrity and appearance of the structures. The applicant is correct in saying that the continued rental of the units would not support the expense to renovate the buildings.

(b) The proposed special use and related improvements shall be designed, sited, landscaped and otherwise configured such that the use will not hinder or discourage the appropriate development or use of adjacent, neighboring or community land and structures, or impair the economic, social or environmental value thereof.

The proposed use and related improvements is proposed to be designed and sited such that it will not hinder or discourage the appropriate development or use of adjacent or neighboring land and structures, or impair the economic, social or environmental value thereof. The applicant provides an analysis of surrounding land uses on page 4 and 5 of the applicant's supplemental letter which provides a portrayal of uses in the neighborhood and makes the point that the proposed use will not adversely affect current or future use of properties in the block.

The applicant's submittal provides all the project specific information that is available and addresses the review criteria and believes that the proposed project meets or exceeds the criteria requirements for issuance of the special use.

The parking regulations contained within the Zoning Ordinance require parking to be provided on the same site as the use except where practical difficulties prevent such location or where the public safety or the public convenience require another location. Section 14-112(4) permits off-site parking if certain conditions are met and they are that one of the parcels must be owned by one of the participants and shall have combined parking space equal to the sum required for the separate uses, except that the amount of space may be reduced by reason of different hours of activity among the various uses, and shall be subject to such arrangements as will guarantee the

permanent availability of such space. The entrance to the cooperative location shall be within 500 feet walking distance of the entrance to the use such location serves. The parking area located behind Fredericksburg Square is located within 500 feet direct walking distance of the inn.

The applicant secured a special use permit in 1998 to use approximately 40 parking spaces on the adjacent 525 Caroline Street property for a commercial parking lot. The parking lot goes largely unused during the week and on weekends except for its use in connection with the banquet and corporate operations at Fredericksburg Square. The applicant states within the application that the new inn will house 22 rooms and no commercial space.

The Zoning Ordinance requires that one parking space per room be provided for the hotel use. In addition, the additional spaces for eating and assembly rooms are required if needed as determined by the director of code compliance.

The applicant proposes to use the 12 parking spaces on site and 10 parking spaces on the Fredericksburg Square site to meet the parking requirements for this new use. The existing special use permit issued in 1998 will permit the use of these 12 parking spaces. Any existing use of these spaces not associated with Fredericksburg Square will have to cease. The applicant states that the average occupancy rate for Fredericksburg as noted in the Smith Travel Survey in 2008 is 54% and concludes that this will be the case for the new inn. Therefore, on average, once the inn is fully up and running, 12 rooms will be occupied on a daily basis.

Mr. Ocel said that staff recommends approval of the special use permit with the following conditions:

1. That the location of the footprint of the buildings be in accordance with the plan prepared by Commonwealth Architects, dated August 21, 2008.
2. That the three existing buildings contain a maximum of 22 rooms.
3. The right to construct and occupy the hotel shall be contingent upon the continued availability of the off-site parking. Off-site parking to include the use of at least 10 parking spaces on the adjacent 525 Caroline Street property. The loss of some or all of the off-site parking shall result in the loss of the right to occupy a prorated portion (or all) of the hotel building.
4. The applicant or owner shall notify the Zoning administrator in the case of the loss of some or all of the off-site parking.
5. That the proposed use shall commence business within one year of the date of adoption of the City Council Resolution.
6. That the proposed use of the property is permitted only so long as it continues and is not discontinued for more than two years.

Mr. Ocel pointed out that the staff report had indicated "12" parking spaces in condition #3 and reiterated that the correct number is "10" parking spaces.

Mr. Van Perroy, owner and applicant, said he sees this proposed development as a natural progression of their current operations and said it will be a substantial upgrade to the downtown.

Mr. Whelan asked what the status is on the special use permit, which had been issued to this applicant on an earlier date.

Mr. Ocel said that the special use permit remains active because there was no sunset clause placed on the permit at the time of issuance.

Mr. James Lawrence, 802 Caroline Street, said that he believes this to be a good project, which also offers a solution to parking for that area. He asked the Commission to recommend approval of the application.

Being no further public comment on this item, Mr. Whelan closed the public hearing for SUP2009-02.

- 4. RZ2009-01: Eagle Village I, LLC**— The applicant requests to rezone property totaling approximately 7.126 acres of land which is identified as Tax Map 249, a portion of Parcel 21257 from CSC, Commercial Shopping Center to PD-MU Planned Development Mixed Use in order to construct 156 student housing units containing 624 beds; a 552 space parking garage and 68,000 square feet of retail and office space. The property is more commonly identified as the Park and Shop shopping center located on the west side of Jefferson Davis Highway. The property to be rezoned identified as Phase I currently contains the Rose's and Einstein Bagel stores. The property is designated as General Commercial on the Land Use Map contained within the 2007 Comprehensive Plan.

Mr. Ocel highlighted portions of his staff report. This is a request to conditionally rezone approximately seven acres of land zoned C-SC, Commercial Shopping Center to PD-MU, Planned Development Mixed Use by Eagle Village I, LLC, owner and applicant. The property requested to be rezoned is more commonly known as a portion of the Park and Shop Shopping Center located on Jefferson Davis Highway directly across from Mary Washington University. The property is located in an area of the City that is predominately zoned commercial. The applicant is currently seeking to rezone a seven acre portion of the property at this time. The applicant states in the application that a separate rezoning application for the remaining 14 acres of the site will be submitted later in 2009.

The project, as envisioned by the applicant, will include the following elements:

1. Phase I will consist of four components and they include:
 - a) A pedestrian bridge over Route 1 connecting the project to the school.
 - b) Student housing, 624 beds contained within 156 units. The residences will be housed within twin 5-story buildings.
 - c) A mixed use building consisting of a 200,000 square foot parking deck that contains 246 parking spaces; 30,000 square feet of retail floor area and 38,000 square feet of Class A office space.
 - d) Construction is proposed to begin in the spring of 2009 with an anticipated completion date of summer 2010. This will enable the student housing to be open for the fall semester of 2010.

Phase II of the project will consist of redevelopment of the remaining 14 acres of the site. The Foundation has stated that should it acquire other properties adjacent to its site, these properties will be incorporated into the overall development plan. The primary focus of the redevelopment will be to create an upscale urban village type of shopping, office and residential uses in a mixed use environment. Eagle Village expects the Giant Food Store to continue to anchor the center and has indicated its willingness to reinvest in the design and layout of the new store to match the overall design scheme envisioned for Eagle Village.

In determining whether to adopt a zoning map amendment, the Planning Commission and the City Council shall only approve those amendments that are:

1. Required by public necessity, convenience, general welfare or good zoning practice;
 2. Adequate public facilities are available, will be provided by the City, or the applicant has voluntarily proffered to provide those public facilities;
 3. Is in conformance with the City's adopted Comprehensive Plan.
1. Required by public necessity, convenience, general welfare or good zoning practice;

As stated earlier, the subject property is located in an area that contains commercially zoned land that is generally bounded by Jefferson Davis Highway to the east; the Stratford Square apartments to the north zoned R-30 Residential; property owned by VEPCO to the south zoned CT, Commercial Transitional; and the Medicorp property to the west zoned PD-MC, Planned Development Medical Office. Staff would suggest that the requested rezoning is in keeping with a pattern anticipated by the zoning or land use plan contained within the Comprehensive Plan as this area in the City has been developed with commercial uses and will continue to do so. However, it will deviate from historic development/building patterns in that the project does not contain pad sites and does not contain small strip centers of commercial uses that dominate the Jefferson Davis Highway corridor.

The applicant states that the project will assist UMW in providing new housing and will provide the community new retail shopping opportunities and a greater variety in dining choices. In addition, staff agrees with the applicant that the project will assist in alleviating some of the impacts on University housing demands in the College Heights neighborhood and other areas in close proximity to the University. While UMW is not currently anticipating increasing enrollment significantly, an expansion to 3,000 beds with this project is necessary to meet current demand for on campus housing.

Staff would suggest that the requested rezoning is required by public necessity, general welfare and good zoning practice due to the subject property's location in an area predominately used by and zoned for commercial uses and the applicant's providing information to support the need for the rezoning.

2. Adequate public facilities are available, will be provided by the City, or the applicant has voluntarily proffered to provide those public facilities;

The existing shopping center is connected to public water and sewer and the proposed redevelopment will be connected to the public water system located in Jefferson Davis Highway and the public sewer system also located in Jefferson Davis Highway. The applicants engineer was required to analyze the existing water line pressure in the area to determine the impact of the increased demand generated by both Phase I and Phase II of the project and it was determined that there was inadequate water flows and pressures in the existing system to meet the demands of the redevelopment in both phases. In order to address this deficiency, the applicant proposes to install a 12" water line in Jefferson Davis Highway and in Powhatan Street that will connect with a 12" line in Stafford Avenue. The Public Works Department is reviewing this to determine if these water lines have been sized appropriately to provide adequate flows for domestic use as well as for fire use.

A sanitary sewer analysis was also performed to determine if the capacity of the existing system could accommodate additional flows from the redevelopment of the site. This analysis determined that a section of sewer line in Kenmore Avenue, between Cornell Street and Mortimer Avenue needs to be increased in size from an 8" line to a 12" line for the peak flow demand for both existing conditions and for future flows.

The redevelopment of the shopping center will result in less stormwater runoff than in its existing configuration: Impervious surfaces make up almost the entire shopping center property. With the addition of required open and landscape spaces in phases I and II, stormwater runoff will be reduced and therefore, no on-site stormwater management is required. Staff from the Building and Development Services Department has worked with the applicant's civil engineer to design these reductions in impervious surfaces. It is estimated that approximately 10% of the impervious land area in phase I will be converted to pervious surfaces.

3. Is in conformance with the City's adopted Comprehensive Plan.

This property lies within Land Use Planning Area 4: Fall Hill/Mary Washington Hospital. The land use designation assigned to this property on the future land use map is General Commercial. None of the three key issues for this planning area listed on page 115 of the Plan address this property. There are no historic resources listed in the Plan that are associated with this property. While the land use potential list for Planning Area 4 does not include this property it is addressed in the narrative in the following manner:

"The most ambitious JumpStart! Project proposed for this planning area is the Jefferson Davis Highway project, which envisions mixed use redevelopment where strip shopping centers are currently located, between the Rappahannock River and Cowan Boulevard."

The Recommendations for Planning Area 4 found on page 120 and 121 addresses this property in two areas:

8. Establish bicycle/foot trail linkages between new developments and adjacent areas.
11. Support redevelopment of shopping centers along the Route 1 Bypass into more productive and efficient mixed use developments, as shown in the JumpStart report.

The general language found in the Plan does not appear to support the rezoning of the property. The development of property with non-residential uses to expand the City's tax base would be the most optimum use of the property.

The application provides further references to the Comprehensive Plan beginning on page 10. The applicant rightfully notes that Chapter 1, Vision of the Comprehensive Plan, includes a reference to Corridors that provides that commercial development in these areas should allow sufficient levels of retail and office space development to occur along Fredericksburg's designated corridors, in order to accommodate the projected share of regional economic growth that is contained in the JumpStart! Fredericksburg initiative.

The applicant further describes how the application meets other components of the Plan in the areas of Community Appearance; Housing; Corridors; Neighborhoods and Institutional Partnerships. These references can be found on pages 10-12.

As part of the rezoning request, the applicant has submitted a proffer statement that is included with the application materials.

Proffer 1 states that the architectural designs, standards and materials for Phase 1 will be in accordance with Exhibit 1. Exhibit 1 consists of four renderings of the buildings proposed in Phase 1 and includes the two residential buildings, parking garage and commercial component that is located in front of the garage and to the south side. The architecture seeks to mimic the style of architecture on the main campus. The architectural drawings depict buildings with white columns and canopies, double hung windows on the upper floors, and a brick façade on all of the buildings. Use of dormers on the buildings helps to break up the lengthy expanses of the roof lines.

Proffer 2 lists the transportation improvements related to the development that the applicant will undertake, including: reconstructing the main entrance to the shopping center to create a four lane boulevard style entrance; elimination of the secondary entrance onto the property in front of the current Einstein's Bagel location; a cash proffer to the City to optimize signal phasing of the traffic signal at the intersection of Jefferson Davis Highway and College Avenue; right of way dedication for public street purposes on the front of the property which will be used to widen this road in the future; and utility proffers in regard to upgrading water line sizes in Stafford Avenue and Jefferson Davis Highway.

The applicant submitted a traffic impact analysis (TIA) as part of the application. The purpose of the TIA is to evaluate the impact of the proposed re-development on the adjacent street network. Fourteen intersections were identified for inclusion in the TIA and they are listed on page 2-1. Prior to its development, staff (Planning Director and City Engineer) met with the applicant's traffic consultant to discuss the parameters of the study. Those parameters included: 1) what intersections to study; 2) directional distribution of vehicle trips; 3) the appropriate growth rate to assign to the surrounding roadways in future scenarios; 4) reductions in trips for such things as use of FRED, the student population in the project, pass by capture rates, and existing uses on the property being replaced; 5) all trip generation rates for the development were conducted using data from the Institute of Transportation Engineers Trip Generation Manual, 7th edition and 6) build out years for both Phases I and II. However this analysis will focus upon Phase I because that is the part of the property that is being rezoned. Based upon an agreement with the applicant this study takes into account the Phase II portion of the site so that the study would not have to be repeated in 2009 when the rezoning application for Phase II is submitted. If the application for Phase II is not submitted in 2009 then it may be necessary to update the TIA.

The Eagle Village Traffic Impact Analysis (TIA) is provided for reference. The TIA was reviewed by the Planning Director and City Engineer with input from the Public Works Director. Meetings were held with the consulting traffic engineer to clarify information being presented and to discuss the improvements noted in the study. Based upon the most recent meeting on January 29th staff is awaiting further information regarding the improvements noted in Section 7.0 of the study. A review of the conclusions and recommendations is provided below. Staff has reviewed the body of the TIA and concurs with methodology and how the study was conducted.

The project includes eliminating approximately 74,539 sq. ft. of existing commercial floor space to be replaced with; 1) 30,000 of retail floor space, 2) 36,000 sq. ft of office floor space and (3) 156 student apartment units. The project will also include a parking deck and pedestrian bridge over Route 1.

The study's conclusions in Section 7.1 begin on page 7-1 and are a good summation of the study. As with all traffic study's, current conditions (level of service) prior to build out of the site are noted. Traffic counts are taken at key intersections during peak hours in the morning and afternoon and then proposed vehicle trips from the development of the site are added to the surrounding road system. If road conditions worsen at certain intersections or turning movements are affected, the study should recommend the means to address the added traffic. In this case, existing traffic counts were taken in September of 2008. Under the existing 2008 traffic conditions and signal timings, all signalized intersections operate at a level of service D or better for the intersections in the immediate area of influence. A level of service D is the lowest level of acceptable service at intersections or roadways.

As part of the study, the traffic consultant optimized signal timings to improve traffic operations under 2008 conditions and as a result all signalized intersections operate at a level of service D or better. These optimized timings were then used as the basis for analysis pre and post development analyses for the 2010 and 2015 design years. This is a benefit to the applicant as the thru movements and turning movements at intersections in the surrounding road system are optimized and delays are reduced thus improving the road system prior to the vehicle trips from the new development being assigned to the surround road system. These signal timing optimizations are being reviewed by the Public Works Department.

With the implementation of the minor 2010 pre-development improvements listed on page 7-4 being in place, post development traffic volumes at all intersections and approaches have similar delays and levels of service as pre-development conditions. New traffic generated by Phase I is relatively small since it involves replacing existing retail uses with new retail or with uses such as the student housing that generate lower traffic rates. The small increases in traffic volume at

study area intersections do increase delays slightly on some movements but there is no significant impact on traffic operations.

Based upon the foregoing, the study recommends the following improvements be made to the road system as it exists now and before traffic generated by Phase I is added to the road system:

- Implement optimize signal timings at study area intersections to eliminate split phasing and allow permitted or protected-permitted left turn phasing.
- Restripe eastbound Fall Hill Ave. to provide a separate left turn lane and a shared thru right lane.
- Close the median opening at Snowden St. to side street thru and left turn movements while maintaining northbound/southbound turn movements.

Based on the 2010 post development traffic analysis results which do include traffic generated by Phase I, the following improvements are recommended:

- Reconstruct existing College Ave. site access to provide two full ingress/egress lanes to rear of the site for entering and exiting traffic.
- Close the existing right in/out driveway on Jefferson Davis Hwy. north of College Ave.
- Optimize signal network phasing, cycle lengths and offsets to accommodate traffic volume increases as effectively as possible.

Real Estate Tax:

Phase I of the project will consist of both demolition and construction of commercial floor space. Approximately 78,000 gross square feet of commercial and retail space will be demolished. Approximately 30,000 gross square feet of retail floor space and 36,000 gross square feet of office space will be built in its place. In addition, 156 student housing units will be built and a parking garage that will hold approximately 552 parking spaces. The commercial component of the project will remain on the tax rolls while the student housing component and associated land value will be removed from the tax rolls based upon its use by UMW.

The applicant estimates the current tax assessed value of the land and improvements in Phase I at \$5,900,000. The applicant projects that the assessed value of the taxable components of Phase I with the new development will be at least \$10,000,000. This is based upon replacing approximately 79,000 square feet of improvements now assessed at between \$34.50 per sq. ft. and \$49.20 per sq. ft with approximately 84,000 square feet of new taxable improvements with an estimated value of between \$130 and \$150 per square foot. This information suggests that real estate tax revenues from Phase I, when completed and operating at full capacity, could be as much as two times the current revenue.

Sales Tax:

The applicant provides that they are not able to estimate sales tax revenue from the stores operating in the new center as sales per square foot vary from one type of retail business to another. However, they are optimistic in saying that the new center will generate greater sales volume and increased sales tax revenue due to it being a new center.

The applicant proposes a town center urban type development that will include a mix of uses as noted earlier in this report. Additional commercial and residential uses will be included in Phase II

and on any other additional land that the Foundation purchases. In addition to those uses will be a 500+ parking space garage and a pedestrian bridge linking Phase I to the main campus.

1. Permitted Uses: Retail, Office and Student Housing meets requirement for mixed use.
2. Site Size: Meets minimum 2.0 acres minimum.
3. Minimum site and yard requirements as shown on the GDP are appropriate.
4. Building Heights are less than 80' as the buildings are 5 story structures with the exception of the commercial space located in front of the parking garage.
5. The floor area ratio proposed is .90 which is less than the maximum of 2.0.
6. Residential density in Phase I is limited to student housing and is less than 60 units per acre which is the maximum density.
7. Landscape Open space provided is 20% versus the minimum required 15%.
8. 68,000 square feet of commercial floor area is proposed which meets the mixed use ordinance standard for commercial uses.
9. The Generalized Development Plan (GDP) provides the information necessary to evaluate the project and meets the requirement for the information to be shown.
10. As shown on the parking tabulation on the GDP cover sheet, 552 parking spaces will be provided in the parking garage and 183 spaces will be at grade around the buildings for a total of 735 parking spaces. Parking required by the type of uses and the amount of floor area equals 584 parking spaces.

Mr. Ocel recommended that the Planning Commission hold its public hearing and defer action until the February 25th meeting. As noted staff continues to review the utility plan and the applicant is submitting additional traffic information regarding additional improvements to the College Ave/Jefferson Davis Highway intersection at the request of staff. This information has not been submitted to date. Based upon all of this information the proffer statement will have to be amended.

Mr. Gary Nuckols (legal counsel for the applicant) and Mr. Doug Viehman provided a brief slide presentation of the proposed project.

Mr. McAfee commended the applicants on the proposed project and agreed that it is in line with the intent of the Comprehensive Plan and JumpStart! Plan. However, he said he had a few questions/concerns:

- Regarding the traffic study: He said he noted a glaring under detailed analysis with respect to College Avenue. He said he believed the City did College Avenue and the University a great disfavor a few years ago when they limited traffic on Stafford Avenue by installing calming devices and realigning it so that it does not line up with Cowan Boulevard. He said that he understands the residents in that area desiring it to be kept a quiet street but that the City operates on a grid system and what this actually does is it takes traffic off of Stafford Avenue and puts it onto College Avenue, which happens to be the most heavily pedestrian generated traffic of any street in the City and is a recipe for disaster. He said there is already a problem with a turn located on College Avenue, heading toward Route 1, on the right hand side, just before one approaches the traffic signal. Currently, people come out of there and illegally cross the double yellow line and make a left turn. People also stop after coming off Route 1 onto College Avenue and illegally cross the double yellow line and turn left into that same road. He said he believes the problem is not actually being addressed by the University or signage, and that the signage that is currently in place actually enhances the problem by asking people not to block the entrance, therefore making it easier for people to cross illegally. He asked that this situation be looked at more closely and see if it can be addressed.
- Another glaring existing problem, he said, is where the traffic light directs people to go across Rt. 1 into the Park and Shop center, and also directs those heading north on route one in one lane. He said he believes there should be a separate right hand turn lane placed there and that this would be an appropriate time to look at this need. He said he

hopes the applicants would look more closely at their plans to ensure that the project blends with the City as nicely as possible and include these changes. He pointed out that he is aware that this is an expensive endeavor and is not unsympathetic to that fact but he also believes it is a great need.

- He said that he is also concerned that the numbers don't seem to add up. He said the project adds housing, a parking deck, and new retail space that is supposed to offset the current tax base, in that it's going to generate more tax dollars. So, he said, it is hard for him to believe that the traffic flow would be about the same as it is now with these types of increases.
- He also expressed concern relating to the proposed 5-story structure. He said the building itself is fine when one looks at the drawings and personally does not have a problem with it. However, he said, when you have a fairly tall building and build it on one of the tallest hills in the City, it becomes a visual focal point and something that everyone will look at. He said that when he looks at drawings of the proposed building it looks beautiful, but he wants to ensure that close attention be given to how it is going to look as a whole. He suggested perhaps hoisting a balloon or putting some sort of topo target there (to be left in place for a certain amount of time) in order to allow people a chance to look at it and get a better idea of what impact a five-story structure will have on the view shed.

Mr. Nuckols said they recognize that College Avenue is a problem but believe that the improvements to the phasing of that light will help part of the problem, but not all of it. He said these concerns would be better addressed during Phase II. He said part of the solution for College Avenue would involve some additional right-of-way and some widening but that the MW Foundation does not control this. He said it is controlled by the University and essentially the Commonwealth of Virginia. Communications would need to open up with the Commonwealth about looking at possible additional right-of-way dedication on the campus side and maybe to do the right turn lane. He said the entrance in and out of the "old Goolrick Gym" is certainly another issue they would have to look at and said this is very much in the forefront of their minds. He said he did not believe it would get any worse and possibly even get better with the light improvements on Phase I and that Phase II may provide for some even greater improvements.

Mr. Ramoneda asked about the timeline for the doms.

Mr. Nuckols said he could not answer this because it all depends on state budget considerations. He said in an ideal world, it would be nice to do two of those, maybe one a year, two in a budget cycle, but that they just cannot determine if it is feasible with state budgetary considerations. He said the University is committed to do the renovations as soon as the available funds are there and as quickly as it can be done because it is certainly overdo.

Ms. Spears thanked the applicants for their presentation and noted that it is exciting to see the project and how it fits in with JumpStart! and the Comprehensive Plan, at the same time, she said, she looks at it with a bit of a heavy heart having grown up here and will miss the Christmas tree sales in the old parking lot, etc. She said she lives in the subject area, travels these roads rather frequently, echo's Mr. McAfee's concerns, and agrees with his comments made earlier about the issues surrounding College Avenue, Stafford Avenue and the intersection at Route 1. Ms. Spears also asked for additional detail regarding fiscal impact and comments made that stated the tax assessed value to essentially double in value.

Mr. Nuckols said essentially the higher rents are going to drive a considerably higher tax assessed value for the buildings and the simple fact that these will be brand new buildings as opposed to the 40-year old buildings.

Ms. Spears asked about Einstein's Bagels and other businesses that currently exist on the subject site. She asked if the City is going to lose these existing businesses, and whether or not these long-standing businesses will still be able to compete once the new complex is built.

Mr. Nuckols said he cannot get real specific about this but he can say that negotiations are ongoing with the existing tenants. Their position has been that they will do everything possible to have the tenants stay that have expressed interest in remaining at the site. But he said the reality is that there will be some tenants that continue to be there and others that will not.

Mr. Whelan asked about the terraces that are depicted on the drawing. He asked if these are part of the dorms or office space.

Mr. Nuckols said the terraces Mr. Whelan refers to would be part of the office space.

Dr. Gratz asked if there is any proffering of the water and sewer line changes.

Mr. Nuckols said yes, this is part of the proffers.

Dr. Gratz asked if the parking garage would be on the tax rolls.

Mr. Nuckols said it would be split. Most of the parking assigned to the students (roughly 400 spaces) will not be on the tax rolls but the other, approximate 144 spaces, would be on the tax rolls.

Public Comment

Mr. Robert Diggs, general partner in the apartment project located to the north side of the proposed project. He said he is concerned that the height of the 5-story buildings will further dwarf his Stratford Square Apartments because it would be 90 feet above the entrance to his complex. He said he is also concerned that the proposed foot/bicycle bridge appears to be planned directly across the entrance to his apartments and is afraid this could cause a bottleneck.

Mr. Roy Perry, College Heights Cleaners, 1215 Snowden Street. He said if you block off the entrance going north bound would kill their business because if this is done one would have to go all the way to the traffic light and make a u-turn to access their business. He said he is also concerned about asbestos since this building is 40+ years old.

Mrs. Roy Perry, Sr., co-owner College Heights Cleaners and adjacent buildings. She said she too is concerned and believes it would be awful to block their entrance. She also noted that they have plans to improve their existing buildings in the near future as well. She said she never sees accidents at their entrance but has seen them at the light.

James Lawrence, 802 Caroline Street said he hates to see his favorite store, Rose's be demolished. He said he too was concerned about what will happen to the existing stores and the effect it would have on elderly residents who frequent this particular shopping center. He said he believes the proposed parking garage will be an asset to the area.

Being no further public comment, Mr. Whelan closed this portion of the public hearing and moved on to other business.

OTHER BUSINESS

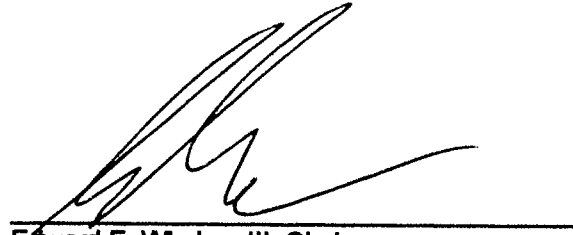
The January 28, 2009 Planning Commission Minutes were approved as submitted.

Planning Commission Comments – None.

Planning Director Comments –

- Mr. Ocel; provided and update of recent City Council Action at its meeting held on February 10, 2009.

Meeting Adjourned



Edward F. Whelan, III, Chair

NOTE: Commissioner McAfee sent an e-mail with additional comments relating to the Eagle Village Rezoning request on February 12, 2009, and asked that they be attached to the minutes.

Robin Smigelski

From: Roy McAfee [roymcafee@aol.com]
Sent: Thursday, February 12, 2009 9:50 AM
To: Ray P. Ocel; Whelaneman@aol.com
Subject: Eagleville

Ray:

I have been reviewing last night's hearing and have these comments. I am not thrilled about the median cut adjacent to Snowden. At first, I thought it was just my selfish desire to use the cut for a U turn to access business on the service road. Now it is clear that many people and business utilize that median cut. It seems incongruous to me that a private development can make a determination on that State owned facility but cannot even discuss the right hand turn lane. Especially given they admitted knowing College Ave. had issues. The omission of that thought from the document makes me wonder what other information was selectively excluded. I hope the PC can retain the highest level of respect and transparency in this process as we go forward.

The developer noted that he would begin communications and address the right hand turn lane in the second phase. The comment that that discussion will be begun in the second phase is unacceptable to me. I realize that this project is being fast tracked and do not have a problem with that, so far. I realize things are moving along and due to right of way and utilities it is a complex task. For that very reason I wish the line of communication to be begun or opened as soon as possible and hope to see some documentation of this effort by the next hearing date. Certainly no one expects intense physical action on this in phase one.

I also hope to see some effort addressing the view shed issue. The buildings look wonderful on paper and with the University's record on building (the Rt 17 building excluded) I am sure it will be a proud addition to the City's landscape. However, if I feel that efforts during the planning and approval process here may set a precedent for the future. People resist change and ignorance is the mother of fear. I think the University will be happy to be part of establishing the best process possible.

Please forward this email and comments to the developer and his pertinent associates as well as the Planning Commission and City Council. I look forward to a response from the developer and anticipate continuing the great process and relationship that has been established by your office and staff. This development should and will be a great upgrade to the City.

Thank you for your attention,
Roy McAfee
Vice Chair Planning Commission

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